No. 14-400

IN THE

Supreme Court of the United States

CHARLES E. HARRIS, III,

Petitioner,

v.

MARY K. VIEGELAHN, CHAPTER 13 TRUSTEE,

Respondent.

On Writ Of Certiorari
To The United States Court of Appeals
For The Fifth Circuit

JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED OCTOBER 6, 2014
CERTIORARI GRANTED DECEMBER 12, 2014

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NOTICE

In accordance with Supreme Court Rule 26.1, the following items have been omitted in printing this joint appendix because they appear on the following pages of the Appendix to Petition for a Writ of Certiorari filed on October 6, 2014, by Petitioners in Case No. 14-400.

A. Opinion of the United States Court of Appeals for the Fifth Circuit (July 7, 2014) 1a

B. Opinion of the United States District Court for the Western District of Texas (Mar. 22, 2013) 29a

C. Opinion of the United States Bankruptcy Court for the Western District of Texas (Feb. 29, 2012) 50a

APPENDIX A

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS

Case No. 10-50655C

In re:

CHARLES E. HARRIS, III,
Debtor.

RELEVANT DOCKET ENTRIES

Date	#	Docket Text
02/24/10	1	Voluntary Petition under Chapter 13 With Schedules, With Statements, (Filing Fee: $ 274) filed by Charles E. Harris III. -Declaration for Electronic Filing due by 03/3/2010 (Malaise, J.)
02/24/10	2	Chapter 13 Plan filed by Charles E. Harris III. (Malaise, J.)
02/24/10	3	Certificate of Budget and Credit Counseling-First Debtor filed by Charles E. Harris III. (Malaise, J.)
02/25/10	4	Order to Employer of Debtor to Pay the Trustee. (Luna, Emilio)

03/01/10	—	Resignation of Trustee Cameron and Notice of Appointment of Chapter 13 Standing Trustee Mary K. Viegelahn. (Viegelahn, Mary)
03/03/10	7	341 Meeting of Creditors. First Meeting Set For 3/31/2010 at 01:15 PM at San Antonio Room 434 Objections to Dischargeability of debt due 5/31/2010- Confirmation Hearing Set For 5/6/2010 at 10:30 AM at SA Courtroom 1- Proofs of Claim Due 6/29/2010. (Viegelahn20, Mary)
04/01/10	—	Chapter 13 Trustee's 341 Proceeding Memo: (341 Meeting Concluded). (Viegelahn10, Mary)
04/07/10	11	Financial Management Course Certificate - First Debtor Only filed by J. Todd Malaise02 for Debtor Charles E. Harris III. (Malaise02, J.)
04/13/10	12	Trustee's Chapter 13 Plan Recommendation Concerning Confirmation of Debtor's Plan of Reorganization. (Plan Confirmation Recommended.). (Viegelahn10, Mary)
04/15/10	13	Order Confirming Chapter 13 Plan (Order entered on 4/15/2010) (Chapa, Beth)
06/04/10	16	Motion for Relief from Stay *(15 Day Objection Language)* (Filing Fee: $ 150.00) filed by Alan R. Scheinthal for Creditor Wells Fargo

		Dealer Services, Inc. fka Wachovia Dealer Services, Inc. (Attachments: 1 Exhibit Contract2 Exhibit Title)(Scheinthal, Alan)
06/07/10	17	**Hearing to Consider and Act Upon the Following:** (Related Document(s): 16 Motion for Relief from Stay *(15 Day Objection Language)* (Filing Fee: $ 150.00) filed by Alan R. Scheinthal for Creditor Wells Fargo Dealer Services, Inc. fka Wachovia Dealer Services, Inc. (Attachments: # 1 Exhibit Contract# 2 Exhibit Title)(Scheinthal, Alan)) Hearing Scheduled For 6/21/2010 at 09:30 AM at SA Courtroom 1 (Briones, Rosie)
06/10/10	19	Response Filed by J. Todd Malaise for Debtor Charles E. Harris III (Malaise, J.) (related document(s): 16 Motion for Relief from Stay *(15 Day Objection Language)* (Filing Fee: $ 150.00) filed by Alan R. Scheinthal for Creditor Wells Fargo Dealer Services, Inc. fka Wachovia Dealer Services, Inc. (Attachments: # 1 Exhibit Contract# 2 Exhibit Title)(Scheinthal, Alan))
06/21/10	20	Order Regarding (related document(s): 16 Motion for Relief from Stay *(15 Day Objection Language)* (Filing Fee: $ 150.00) filed by Alan R. Scheinthal for

		Creditor Wells Fargo Dealer Services, Inc. fka Wachovia Dealer Services, Inc. (Attachments: # 1 Exhibit Contract# 2 Exhibit Title)(Scheinthal, Alan)) (Order entered on 6/21/2010) (Paez, Daniel)
06/21/10	—	Hearing Held. 16 Motion for Relief from Stay filed by Alan R. Scheinthal for Creditor Wells Fargo Dealer Services, Inc. fka Wachovia Dealer Services, Inc: AGREED ORDER SUBMITTED ON 6/16/2010. (Luna, Emilio) (Entered: 06/30/2010)
10/13/10	22	Motion for Relief from Stay Of Action Against Debtor Regarding Property Located At 4807 Orchid Star, San Antonio, Texas 78218 (30 Day Waiver Language) *(14 Day Objection Language)* (Filing Fee: $150.00) filed by Kadra D. Alexander for Creditor Chase Home Finance LLC (Attachments: #(1) Affidavit with payment history #(2) Affidavit Certificate of Service #(3) Exhibit Note #(4) Exhibit Deed of Trust) (Alexander, Kadra) Modified on 10/14/2010 (Castleberry, Deanna).
10/14/10	23	**Hearing to Consider and Act Upon the Following:** (Related Document(s): 22 Motion for Relief from Stay Of Action Against Debtor Regarding Property Located At 4807

		Orchid Star, San Antonio, Texas 78218 (30 Day Waiver Language) *(14 Day Objection Language)* (Filing Fee: $150.00) filed by Kadra D. Alexander for Creditor Chase Home Finance LLC (Attachments: #(1) Affidavit with payment history #(2) Affidavit Certificate of Service #(3) Exhibit Note #(4) Exhibit Deed of Trust)(Alexander, Kadra) Hearing Scheduled For 11/8/2010 at 9:30 AM at SA Courtroom 1 (Castleberry, Deanna)
10/18/10	25	Response Filed by J. Todd Malaise02 for Debtor Charles E. Harris III (Malaise02, J.) (related document(s): 22 Motion for Relief from Stay Of Action Against Debtor Regarding Property Located At 4807 Orchid Star, San Antonio, Texas 78218 (30 Day Waiver Language) *(14 Day Objection Language)* (Filing Fee: $150.00) filed by Kadra D. Alexander for Creditor Chase Home Finance LLC (Attachments: #(1) Affidavit with payment history #(2) Affidavit Certificate of Service #(3) Exhibit Note #(4) Exhibit Deed of Trust) (Alexander, Kadra) Modified on 10/14/2010 (Castleberry, Deanna).)
11/08/10	—	Hearing Held. 22 Motion for Relief from Stay of Action Against Debtor Regarding Property Located at 4807 Orchid Star, San Antonio, Texas

78218 filed by Kadra D. Alexander for Creditor Chase Home Finance LLC: AGREED ORDER. (Luna, Emilio) (Entered: 11/18/2010)

11/09/10 26 Order Regarding (related document(s): 22 Motion for Relief from Stay Of Action Against Debtor Regarding Property Located At 4807 Orchid Star, San Antonio, Texas 78218 (30 Day Waiver Language) *(14 Day Objection Language)* (Filing Fee: $150.00) filed by Kadra D. Alexander for Creditor Chase Home Finance LLC (Attachments: #(1) Affidavit with payment history #(2) Affidavit Certificate of Service #(3) Exhibit Note #(4) Exhibit Deed of Trust)(Alexander, Kadra) Modified on 10/14/2010 (Castleberry, Deanna).) (Order entered on 11/9/2010) (Luna, Emilio)

11/12/10 28 Order Regarding (related document(s): 22 Motion for Relief from Stay Of Action Against Debtor Regarding Property Located At 4807 Orchid Star, San Antonio, Texas 78218 (30 Day Waiver Language) *(14 Day Objection Language)* (Filing Fee: $150.00) filed by Kadra D. Alexander for Creditor Chase Home Finance LLC (Attachments: #(1) Affidavit with payment history #(2) Affidavit Certificate of Service #(3) Exhibit Note #(4) Exhibit Deed of

		Trust)(Alexander, Kadra) Modified on 10/14/2010 (Castleberry, Deanna).) (Order entered on 11/12/2010) (Paez, Daniel)
11/21/11	30	Notice of Voluntary Conversion, Chapter 13 to 7. (Filing Fee: $ 25.00) filed by J. Todd Malaise for Debtor Charles E. Harris III. (Malaise, J.)
11/21/11	31	Amended Petition filed - Amendment(s): to correct address, Amended Schedules and Summary After Conversion, Disclosure of Compensation by Attorney for Debtor, Individual Debtor Statement of Intentions filed by J. Todd Malaise for Debtor Charles E. Harris III. -Declaration for Electronic Filing due by 11/28/2011 Declaration for Electronic Filing due by 11/28/2011 (Malaise, J.)
11/22/11	32	Convert Case from Chapter 13 to Chapter 7. (Mary K Viegelahn removed from the case.) Added Trustee Jose C Rodriguez, First Meeting of Creditors & Notice of Appointment of Interim Trustee Jose C Rodriguez, with 341 (a) meeting to be held on 12/22/2011 at 10:00 AM at San Antonio Room 333. Objections for Discharge due by 02/20/2012. (Luna, Emilio).
11/30/11	34	Trustee's Claims Recommendation

		(30 Day Objection Language). (Viegelahn, Mary)
12/05/11	36	Trustee's Final Report and Account, Chapter 13 Case. (Viegelahn, Mary)
12/23/11	—	Chapter 7 Trustee's Report of No Distribution: I, Jose C Rodriguez, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the abovenamed debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. **Section 341 Meeting held on 12/22/11.** Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned (without deducting any secured claims): $ 89600.00, Assets Exempt: $ 12453.09, Claims Scheduled: $ 177730.00, Claims Asserted: Not

		Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): $ 177730.00. Debtor appeared. (Rodriguez, Jose)
12/29/11	38	Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III(Malaise, J.)
01/03/12	39	**Hearing to Consider and Act Upon the Following:** (Related Document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) Hearing Scheduled For 2/7/2012 at 10:30 AM at SA Courtroom 1 (Elizondo, Lisa)
01/12/12	41	Supplemental Certificate of Service filed by J. Todd Malaise for Debtor Charles E. Harris III. (Malaise, J.) (Related Document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III)
02/14/12	—	Hearing Held: GRANTED FOR REASONS STATED ON THE RECORD. Order due from Steve Cennamo by 2/28/2012. (Related Document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III). (Luna, Emilio) (Entered: 02/16/2012)

02/15/12	42	Exhibit and Witness List for Hearing Held on February 14, 2012, (Related Document(s): 38-Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III). (Luna, Emilio) (Entered: 02/16/2012)
02/23/12	43	Order Discharging Debtor(s) (Admin.)
02/29/12	45	Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012) (Luna, Emilio)
03/05/12	49	Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee: $298.00) (Viegelahn17, Mary), Appellant Designation due by 03/19/2012, (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012))
03/13/12	52	Transcript regarding Hearing Held 02/14/12 THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING, TRANSCRIPT RELEASE DATE IS 06/11/2012.

Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber. Transcriber Darla Messina, Telephone number 210-340-6464. - NAME OF PURCHASER: Ms. Vanessa DeLeon Guerrero. Notice of Intent to Request Redaction Deadline Due By 03/20/2012. Redaction Request Due By04/3/2012. Redacted Transcript Submission Due By 04/13/2012. Transcript access will be restricted through 06/11/2012. (Flores, Jennifer)

03/27/12 54 Motion to Compel Trustee to Comply with Court Order filed by J. Todd Malaise for Debtor Charles E. Harris III(Malaise, J.) (Related Document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)) Modified on 4/12/2012 (Sanchez, Cindy).

04/05/12 55 Appellant's Designation of Contents and Issues For Inclusion In Record On Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Viegelahn17, Mary) Record Transmission due on 05/7/2012, (related document(s): 49 Notice of Appeal Filed by Mary K.

		Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee:$ 298.00) (Viegelahn17, Mary) -Appellant Designation due by 03/19/2012 (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)))
04/05/12	56	Trustee's Appellant's Statement of Issues (Viegelahn17, Mary) (related document(s): 49 Notice of Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee:$ 298.00) (Viegelahn17, Mary) - Appellant Designation due by 03/19/2012 (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)))
04/09/12	57	Trustee's Motion for Stay Pending Appeal (Viegelahn17, Mary), (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III)))

04/09/12	58	Response filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Viegelahn17, Mary), (related document(s): 54 Motion to Compel Trustee to Comply with Court Order *(14 Day Objection Language)* filed by J. Todd Malaise for Debtor Charles E. Harris III(Malaise, J.) (Related Document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)))
04/10/12	—	Hearing to Consider and Act Upon the Following: (Related Document(s): 57 Trustee's Motion for Stay Pending Appeal (Viegelahn17, Mary) (related document(s): 49 Notice of Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee:$ 298.00) (Viegelahn17, Mary) -Appellant Designation due by 03/19/2012 (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)))) Hearing Scheduled For 4/12/2012 at 09:30 AM at SA Courtroom 1 (Gutierrez, Joyce) ***SET ON EXPEDITED BASIS PER THE COURT'S

DIRECTION, TRUSTEE IS RESPONSIBLE FOR NOTICE***

04/12/12 Hearing Held: GRANTED WITH CONDITIONS, WITH PLACING A BOND IN THE AMOUNT OF $10,000.00, BOND TO POST IN 14 DAYS. Order due from Vienna Gerlach by 4/26/2012. (Related Document(s): 57 Trustee's Motion for Stay Pending Appeal). (Luna, Emilio) (Entered: 04/13/2012)

04/13/12 60 Trustee's Court Bond on Appeal (Viegelahn17, Mary) (related document(s): 57 Trustee's Motion for Stay Pending Appeal (Viegelahn17, Mary), (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III))))

04/18/12 61 Appellee's Designation of Contents and Issues For Inclusion In Record On Appeal Filed by J. Todd Malaise for Debtor Charles E. Harris III (Malaise, J.) (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee: $298.00) (Viegelahn17, Mary), Appellant Designation due by 03/19/2012,

(related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)))

04/20/12 62 Order Regarding (related document(s): 57 Trustee's Motion for Stay Pending Appeal (Viegelahn17, Mary), (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III)))) (Order entered on 4/20/2012) (Luna, Emilio)

04/26/12 64 Amended Appellant's Designation of Contents and Issues For Inclusion In Record On Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Viegelahn17, Mary) Record Transmission due on 05/29/2012, (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee: $298.00) (Viegelahn17, Mary), Appellant Designation due by 03/19/2012, (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds

filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012)), 55 Appellant's Designation of Contents and Issues For Inclusion In Record On Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Viegelahn17, Mary) Record Transmission due on 05/7/2012, (related document(s): 49 Notice of Appeal Filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (Filing Fee:$ 298.00) (Viegelahn17, Mary) -Appellant Designation due by 03/19/2012 (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III) (Order entered on 2/29/2012))))

05/31/12 65 Transmission of Record on Appeal to District Court (Luna, Emilio), (related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III)))

09/25/12 67 Notice of Docketing District Court Record Regarding Appeal, Civil Action Number: SA-12-CV-540-FB,

(related document(s): 49 Notice of Appeal filed by Mary K. Viegelahn17 for Trustee Mary K Viegelahn (related document(s): 45 Order Regarding (related document(s): 38 Motion to Compel Return of Funds filed by J. Todd Malaise for Debtor Charles E. Harris III))). (Luna, Emilio). (Entered: 09/27/2012)

APPENDIX B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Case No. 5:12-CV-00540-DAE

In re:

CHARLES E. HARRIS, III,
Debtor.

MARY K. VIEGELAHN,
Appellant,

v.

CHARLES E. HARRIS, III,
Appellee.

RELEVANT DOCKET ENTRIES

Date	#	Docket Text
05/31/12	1	Certificate of transmission of Bankruptcy on Appeal. The following record on appeal being that of Mary K. Viegelahn, Chapter 13 Trustee, of the Order Compelling Return of Funds entered on February 29, 2012 Bankruptcy Court case number 10-50655-lmc, filed by Mary K. Viegelahn. (Attachments: # 1 List of Parties, # 2 Bankruptcy Docket Sheet, # 3

		Bankruptcy Pleadings, # 4 Binder (placed in file room), # 5 Civil Cover Sheet)(tr1) (Entered: 06/01/2012)
06/01/12	2	Notice of Docketing Bankruptcy Appeal. Appellant Brief due by 6/15/2012. (tr1) (Entered: 06/01/2012)
07/26/12	6	Appellant's BRIEF by Mary K. Viegelahn. (Guerrero, Vanessa) (Entered: 07/26/2012)
09/24/12	9	Appellee's BRIEF by Charles E. Harris, III. (Cennamo, Steven) (Entered: 09/24/2012)
10/09/12	10	Appellant's REPLY BRIEF by Mary K. Viegelahn. (Guerrero, Vanessa) (Entered: 10/09/2012)
10/29/12	11	MOTION to supplement re 9 Appellee's Brief by Charles E. Harris, III. (Attachments: # 1 Supplement)(Cennamo, Steven) (Entered: 10/29/2012)
10/31/12	12	ORDER GRANTING 11 Motion to supplement Appellee's brief with recent case authority. Signed by Chief Judge Fred Biery. (tr1) (Entered: 10/31/2012)
03/22/13	14	MEMORANDUM OPINION AND ORDER AFFIRMING BANKRUPTCY COURT'S ORDER COMPELLING RETURN OF FUNDS. Signed by Judge David Ezra. The Court AFFIRMS the

		Bankruptcy Court's February 29, 2012 Order Compelling Return of Funds. (kh) (Entered: 03/22/2013)
04/19/13	15	Appeal of Order entered by District Judge 14 by Mary K. Viegelahn. (Filing fee $ 455 receipt number 0542-5449229) (Guerrero, Vanessa) (Entered: 04/19/2013)
04/19/13	—	NOTICE OF APPEAL on Bankruptcy Appeal Case following 15 Notice of Appeal (E-Filed) by Mary K. Viegelahn. Filing fee $ 455. (kh) (Entered: 04/19/2013)
05/14/13	16	Certified Record on Appeal. E-MAILED to US Court of Appeals on 5/14/2013, re 15 Notice of Appeal on Bankruptcy Appeal Case (to USCA) (E-Filed) by Mary K. Viegelahn, (APPEAL RECORD HELD FOR PICKUP PER 5TH CIRCUIT INSTRUCTIONS), (Attachments: # 1 Docket Sheets--Electronic Record on Appeal, # 2 Appellant's Designation of Items, # 3 Appellee's Designation of Items) (dtg) (Entered: 05/28/2013)
06/09/14	—	USCA Case Number 13-50374 for Notice of Appeal on Bankruptcy Appeal Case (to USCA) filed by Mary K. Viegelahn. (rf) (Entered: 06/09/2014)

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Case No. 13-50374

In re:

CHARLES E. HARRIS, III,
Debtor.

MARY K. VIEGELAHN,
Appellant,

v.

CHARLES E. HARRIS, III,
Appellee.

RELEVANT DOCKET ENTRIES

Date	Docket Text
04/22/13	BANKRUPTCY CASE docketed. NOA filed by Appellant Ms. Mary K. Viegelahn [13-50374] (RSM)
06/26/13	APPELLANT'S BRIEF FILED by Ms. Mary K. Viegelahn. Date of service: 06/26/2013 via email - Attorney for Appellant: DeLeon Guerrero; Attorney for Appellee: Cennamo [13-50374] REVIEWED AND/OR EDITED. . Brief NOT Sufficient: Caption Incorrect.

Instructions to Attorney: PLEASE READ THE ATTACHED NOTICE FOR INSTRUCTIONS ON HOW TO REMEDY THE DEFAULT. # of Copies Provided: 0 A/Pet's Brief deadline satisfied. Sufficient Brief due on 07/01/2013 for Appellant Mary K. Viegelahn.. Record Excerpts due on 07/01/2013 for Appellant Mary K. Viegelahn. Appellee's Brief due on 07/29/2013 for Appellee Charles E. Harris III [13-50374] (Vanessa DeLeon Guerrero)

06/28/13 RECORD EXCERPTS FILED by Appellant Ms. Mary K. Viegelahn. Date of service: 06/28/2013 via email - Attorney for Appellant: DeLeon Guerrero; Attorney for Appellee: Cennamo [13-50374] REVIEWED AND/OR EDITED. # of Copies Provided: 0 Record Excerpts deadline satisfied. Paper Copies of Record Excerpts due on 07/08/2013 for Appellant Mary K. Viegelahn. [13-50374] (Vanessa DeLeon Guerrero)

08/13/13 APPELLEE'S MEMORANDUM BRIEF FILED by Appellee Mr. Charles E. Harris, III. Date of service: 08/13/2013 via email - Attorney for Appellant: DeLeon Guerrero; Attorney for Appellee: Cennamo [13-50374] REVIEWED AND/OR EDITED.

APPELLEE'S BRIEF FILED . # of Copies Provided: 0 E/Res's Brief deadline

satisfied. Paper Copies of Brief due on 08/19/2013 for Appellee Charles E. Harris III.. Reply Brief due on 08/30/2013 for Appellant Mary K. Viegelahn [13-50374] (Steven Gerard Cennamo)

08/14/13 RECORD ON APPEAL REQUESTED. Miscellaneous due on 08/26/2013 for Attorneys Steven Gerard Cennamo and Vanessa DeLeon Guerrero, Attorney [13-50374] (NFD)

08/20/13 MOTION by National Association of Consumer Bankruptcy Attorneys to file amicus brief [7439567-2] Date of service: 08/20/2013 via email - Attorney for Appellant: DeLeon Guerrero; Attorney for Appellee: Cennamo [13-50374] REVIEWED AND/OR EDITED. MOTION by Amicus Curiae National Association of Consumer Bankruptcy Attorneys to file amicus brief [7439567-2] Date of Service: 08/20/2013 [13-50374] (Tara Ann Twomey)

08/23/13 COURT ORDER granting motion to file amicus brief [7439567-2] filed by National Association of Consumer Bankruptcy Attorneys in 13-50374 Judge(s): ECP. [13-50374] (CNF)

08/23/13 AMICUS CURIAE BRIEF FILED by National Association of Consumer Bankruptcy Attorneys. Consent is Not Necessary as a Motion has been Granted.
# of Copies Provided: 0

Paper Copies of Brief due on 09/03/2013 for Amicus Curiae National Association of Consumer Bankruptcy Attorneys. [13-50374] (CNF)

08/26/13 RECORD ON APPEAL FILED. Electronic Pleadings, 1; Paper Pleadings, 2, Bankruptcy for appellant and Bankruptcy for appellee; Paper Transcript, 1, bankruptcy for appellant; Exhibits, 1 env. (bankruptcy - appellee's exhibits from 2/14/2012 hearing); Exhibits, 1 env. (bankruptcy - appellant and appellee's designation of the record); Miscellaneous deadline satisfied [13-50374] (MVM)

08/27/13 APPELLANT'S REPLY BRIEF FILED by Ms. Mary K. Viegelahn Date of service: 08/27/2013 via email - Attorney for Amicus Curiae: Twomey; Attorney for Appellant: DeLeon Guerrero; Attorney for Appellee: Cennamo [13-50374] REVIEWED AND/OR EDITED.
# of Copies Provided: 0

Reply Brief deadline satisfied. Paper Copies of Brief due on 09/03/2013 for Appellant Mary K. Viegelahn. [13-50374] (Vanessa DeLeon Guerrero)

07/07/14	PUBLISHED OPINION FILED. [13-50374 Reversed and Remanded] Judge: FPB , Judge: EBC , Judge: JEG Mandate pull date is 07/28/2014 [13-50374] (JMA)
07/07/14	JUDGMENT ENTERED AND FILED. [13-50374] (JMA)
07/29/14	MANDATE ISSUED. Mandate pull date satisfied. [13-50374] (MVM)
10/09/14	SUPREME COURT NOTICE that petition for writ of certiorari [7749500-2] was filed by Appellee Mr. Charles E. Harris, III on 10/06/2014. Supreme Court Number: 14-400. [13-50374] (CAV)
12/16/14	SUPREME COURT ORDER received granting petition for writ of certiorari filed by Appellee Mr. Charles E. Harris, III in 13-50374 on 12/12/2014. [7800291-1] [13-50374] (CAV)

APPENDIX D

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	§	Case No.
Charles E. Harris, III	§	
	§	
Debtor(s)	§	**CHAPTER 13**
	§	**PLAN**

To the Honorable United States Bankruptcy Judge:

Comes now the Debtor(s) herein and, as required by 11 U.S.C. §1321, files this Debtor's Chapter 13 plan, and in support thereof would show the Court as follows:

Monthly Plan Payment

Debtor(s) shall each month submit such portion of Debtor's future earnings (or other future income) to the supervision and control of the Chapter 13 Trustee as is necessary for the execution of this plan. Payments by Debtor to the Trustee shall begin within thirty (30) days after the date the Order for relief is entered unless otherwise allowed by the Court. The Debtor's monthly plan payment shall be an amount equal to the Debtor's monthly disposable income or an amount sufficient to pay the claims of general unsecured creditors in full over the term of the plan, whichever first occurs.

Duration of Plan

The term of the plan shall not exceed sixty (60) months from the date the first monthly plan payment is due or until the claims of general unsecured creditors are paid in full, whichever first occurs, provided that the term may be extended by the granting of a moratorium by the Court after proper notice and opportunity for hearing, or other modification of the plan granted by the Court after proper notice and opportunity for hearing. Regardless of the total term, unless there has been a change in circumstances, the plan shall be deemed to have been completed when the Chapter 13 Trustee has received from or on behalf of the Debtor(s) an amount equal to the number of months specified in the Plan times the monthly plan payment or an amount necessary to pay the claims of general unsecured creditors in full, whichever first occurs, and as adjusted by any post-confirmation modifications of the amount of the monthly plan payment.

Payment of Claims

Allowed claims shall be paid to the holders thereof in accordance with the terms hereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims (TRCC).

Local Rule 3002 provides, in part, that EVERY creditor filing a proof of claim in all cases

SHALL transmit a copy with attachments, if any, to the Debtor's attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case.

A. Administrative Expenses: The Trustee shall pay the expenses, as prescribed by the Court, for administering the plan. The first monthly plan payment shall be paid to the Debtor's attorney as attorney's fees. The balance, if any, of Debtor's attorney's fees shall be paid concurrently with allowed secured claims in consecutive monthly installments. Such fees shall be paid in full prior to any payments being made to general unsecured creditors. Once Debtor's attorney fees are paid in full, those funds will be paid, pro rata, first to secured creditors, then to priority creditors and then to unsecured creditors.

B. Priority Claims: Other than Debtor's attorneys' fees, payment of which is provided for in the preceding paragraph, claims entitled to priority under 11 U.S.C. §507, except a claim entitled to priority under §507(a)(1)(B), shall be paid in full, pro rata, unless a specific payment amount is assigned to a particular priority claim, in deferred installments as funds become available upon completion of payment of attorneys' fees and allowed secured calims. The holder of any such claim may agree to a different treatment of such claim. Claims allowed under §507(a)(1)(B) are not dischargeable and may be paid less than the full amount only if the Debtor's disposable income is paid into the plan for 5 years.

C. Secured Claims: In the event a secured claim is treated pursuant to 11 U.S.C. §1325(a)(5)(B), secured creditors whose claims are allowed shall be

paid, in consecutive monthly installments, a principal amount equal to the value of their collateral or the amount of their net claim, whichever is less, plus interest thereon at the applicable rate. Unless objected to, the monthly installments proposed by the Debtor will be considered to provide adequate protection to such creditor during the term of the plan. The holders of such claims shall retain their liens on the collateral which is security for such claims (except for those liens which the Debtor(s) avoids by proper pleading and opportunity for hearing thereon) until the earlier of the payment of the underlying debt (determined under non-bankruptcy law) or discharge pursuant to §1328. If the case is dismissed or converted without completion of the plan, such lien is retained to the extent allowed by applicable non-bankruptcy law. The value of the collateral shall be deemed to be the value established by the Debtor, subject to objection, and, accordingly, the amount of the secured claim shall be established in the manner provided by the Local Rules and Standing Order of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines. In the event a creditor timely files a proof of claim which evidences a perfected security interest in collateral, which claim and collateral was not dealt with by the Debtor's plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims (TRCC), unless a response and objection to the TRCC is timely filed.

D. Unsecured Claims: Unsecured claims may be separately classified provided, however, that all

claims within a particular class shall be treated the same. Any unsecured claim not over $50.00 may be paid pro rata, in equal installments or in full, at the election of the Trustee. The classes, generally, will be as follows:

1. **General unsecured:** The class of "general unsecured" claims shall comprise the claims of all creditors holding unsecured nonpriority claims, not otherwise designated as "special class" unsecured claims, including the unsecured portion of a secured creditor's bifurcated claim (i.e., the difference between the value of the collateral and the total amount of the claim) and secured claims the liens securing which have been avoided. Payments to general unsecured creditors shall be made on a pro rata basis as funds become available after secured and priority claims have been paid in full. The amount paid to general unsecured claimants shall depend on such factors as the total amount of claims actually filed and allowed, but the total amount paid to unsecured creditors shall be equal to or greater than the amount such creditors would receive, as of the effective date of the plan, if the Debtor's estate were liquidated under Chapter 7 of the United States Bankruptcy Code. In the event the Debtor owns non-exempt assets the liquidation of which would result in the immediate payment in full of all allowed general unsecured claims were the Debtor's estate liquidated under Chapter 7 of the United States Bankruptcy Code, then the Debtor shall pay the holders of such claim interest at the rate of five percent (5%) per annum on allowed claims over the term of the Chapter 13 plan. Interest that would otherwise accrue during the life of the plan is discharged upon completion of the plan, except for

any interest accruing on a debt to any general unsecured creditor whose debt (and/or interest) is nondischargeable under the law.

2. Special class: The class of "special class" claims shall comprise those claims that would otherwise be general unsecured claims but that the Debtor(s) has elected to pay in full despite the fact that general unsecured claims are not paid in full. Such claims include, but are not limited to, claims arising out of consumer debts for which any individual is liable with the Debtor by way of co-signature, guarantee, endorsement or otherwise ("co-signed debts"), claims based on NSF checks (or any other claims which might result in criminal prosecution), and student loans.

Vesting of Estate Property

Upon confirmation of the plan, all property of the estate shall not vest in the Debtor(s), but shall remain as property of the estate subject to the automatic stay of 11 U.S.C. §362.

Executory Contracts/Unexpired Leases:

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume or assign the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default

(None)

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory contracts, if any:

Creditor Name	Description of Contract	Election	In Default

(None)

Direct Payments to Creditors

Certain claims may be paid directly to the holders thereof, not by the Chapter 13 Trustee, but rather by the Debtor(s) or some other party who shall be deemed acting as disbursing agent of the Trustee for payment of such claims. Creditors receiving such direct payments outside the plan may continue to issue payment books, coupons and any other method normally used to make and receive periodic payments and this shall not violate the provisions of 11 U.S.C. § 362.

Such payments shall be made in addition to the payments by Debtor to the Trustee as herein set forth.

If a creditor is allowed by Court Order to foreclose on, or otherwise take back his/her property, such creditor must notify the Chapter 13 Trustee immediately upon regaining the property. Upon entry of an Order Lifting Stay, the Trustee shall stop any further payment on that claim.

Any creditor who has obtained an order lifting the automatic stay, or an inferior lienholder in the case desiring to file a deficiency claim, must file such claim by amending or replacing their claim within 90 days of the property's reversion to the first lienholder.

Long Term Debts

Any amount not paid during the term of the plan on secured debts upon which the last payment is due

after the final payment under the plan is due ("long term debts") shall not be discharged. In the event the debt is secured by any real or personal property and either the holder of such secured claim obtains relief from the stay of 11 U.S.C. §362 for the purpose of foreclosing its lien on or security interest in such property or the Debtor elects to surrender the property to the creditor, then the entire debt shall be discharged pursuant to 11 U.S.C. §1328(a) or 11 U.S.C. §1328(b) and shall not be excepted from such discharge by 11 U.S.C. §1328(a)(1) or 11 U.S.C §1328(c)(1). A creditor may file an unsecured claim in the amount of any resulting deficiency after the collateral is liquidated and the proceeds thereof applied against the claim within ninety (90) days of such liquidation unless the Court orders otherwise.

Additional Provisions

Additional information, provisions and requirements are set forth in the Local Rules and Standing Orders of the United States Bankruptcy Court for the Western District of Texas, San Antonio Division, and in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines which will be mailed to all parties affected hereby. These documents should be consulted in connection with any analysis of this plan and the effect thereof.

Proposed payments to individual creditors and the amount of payments to unsecured creditors may change as a result of the Meeting of Creditors or as Proofs of Claim are filed and allowed. Creditors may wish to attend the meeting of creditors and should be aware of any changes. All changes will be listed in the TRCC which will be served on all creditors after the deadline for filing proofs of claim has expired.

Specific Treatment for Payment of Allowed Claims

These are proposed treatments. Actual treatment may be different. When claims are finalized, you will be served with the "Trustee's Recommendation Concerning Claims" and the opportunity to object.

1. DIRECT PAYMENTS TO CREDITORS

Creditor Name	Remarks	Debt Amount	Monthly Payment
Chase Manhattan Mortgage	Direct pay beg March 2010.	$133,159.00	$960.00

2. SECURED CREDITORS: (Refer to paragraph C)

Creditor/ Collateral /Remarks	Estimated Amount	Estimated Value	Unsecured Portion	Mo. Pmt or Method of Dish.	Insured (Yes/ No) Name of Insurance	Indicated if to be Sold or Returned	Interest Rate
Chase Manhattan Mortgage 4807 Orchid Hair, San Antonio, Texas 78218 Pay clm + 7%@$352/ mo beg mo. 5	$3,700.00	$89,600.00	$0.000	$352.00	yes		7%
Comm TV Pay arr+ 7%@ $25/mo beg mo 5	$963.00	$900.00	$63.00	$75.34 Avg.	Yes		7%
Wfs Financial/ Wachovia Dealer Services 2008 Nissan Altima Surrender	$16,513.00	$8,400.00	$8,113.00	Surrender	Yes	Return	7%

3. PRIORITY CREDITORS: (Refer to paragraph B)

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along With Secured Creditors	Remarks
Malasise Law Firm	$3,000.00	Along With	See Supplemental Provisions

4. SPECIAL CLASS UNSECURED CREDITORS: (Refer to paragraph D-2)

Creditor / Remarks	Special Condition	Estimated Debt	Mo. Pmt or Method of Disb. on Est. Value

5. GENERAL UNSECURED CREDITORS: (Refer to paragraph D-1)

Creditor	Estimated Debt	Remarks
Capital 1 Bank	$2,082.00	
Ccs/first National Ban	$325.00	
Chase	$1,160.00	
Conns	$63.00	Unsecured portion of the secured debt (Bifurcated)
Credit Management	$410.00	

Credit One Bank	$352.00
Discover Fin Svcs Llc	$474.00
First Premier Bank	$282.00
First Premier Bank	$246.00
GC Services	$610.00
Hsbc Bank	$3,806.00
Mil Star	$7,177.00
N/A	
Nco Fin/09	$204.00
Us Dept Of Education	$2,006.00
Us Dept Of Education	$1,261.00

Totals

Priority **$3,000.00**, Secured **$4,600.00**, Special Class **$0.00**, Unsecured **$20,458.00**.

General Information

NOTICE: Local Rule 3002 provides, in part:

"Every creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any to the Debtor's Attorney (or the Debtor if the Debtor is pro se) and the Trustee appointed in the case."

Creditors are hereby notified that WITHOUT FURTHER NOTICE the Plan may be amended at the Meeting of Creditors (341(a) meeting). Any amendment may affect your status as a creditor. The

Debtor's estimate of how much the Plan will pay, projected payments and estimates of the allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the First Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the office of the United States Bankruptcy Clerk in San Antonio, Texas.

1. The Debtor's Plan Payment is scheduled at **$530.00 Monthly**. ☑ Pay Order, ☐ Pay Order waived.

2. The plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of the collateral and a total of no less than **$20,717.86** will be paid to nonpriority unsecured creditors with allowed claims during the Plan. Unsecured creditors will receive approximately **100%** of allowed claims. (See Note 1).

3. Value of non-exempt assets **$0.00**, ☑ Federal or ☐ State exemptions; ☑ Consumer Debtor or ☐ Business Debtor.

4. Current Monthly Income **$4,082.87**, - Amounts Reasonably Necessary to Be Expended **$3,312.17** = Monthly Disposable Income **$770.70**. (From Form B22C)

and/or

5. Monthly net income from Schedule I **$3,130.00**, - Expenses from Schedule J **$2,600.00** = Excess income **$530.00**

6. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in the "Specific Treatment of Allowed Claims" set forth above.

Note 1: Creditors should note that the Debtor's projection of the percentage payment of allowed general unsecured claims is only an estimate. Such percentage is based upon the amount of debt of all classes listed by the Debtor(s) in the Debtor(s) schedules filed with the Court. If claims or amended claims are filed and allowed by the Court in an amount greater or lesser than that scheduled by the Debtor(s), the percentage paid to unsecured creditors may be different than is estimated here.

SUPPLEMENTAL PLAN PROVISIONS

The above plan is a uniform Chapter 13 plan adopted for use in the San Antonio Division of the Western District of Texas. None of its provisions can be altered except as hereinafter set forth in this Supplemental Plan Provision. To the extent any provision of the Supplemental Plan is in conflict with the provisions in the uniform plan, the Supplemental Plan shall prevail. Any provisions in the Supplemental Plan not provided for in the uniform plan shall become a part of the plan in addition to the provisions of the uniform plan.

The following are the Supplemental Plan Provisions:

Length of Plan

60 months

Malaise Law Firm

Pay first4mo's/then$100mo or more as funds become available.

Respectfully submitted this date: **02/24/2010**

/s/ Charles E. Harris, III
Charles E. Harris, III

APPENDIX E

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In Re: Case No. 10-50655 C

CHARLES E. HARRIS III

Debtor

SOCIAL SECURITY NO. Chapter 13

XXX-XX-164

ORDER TO EMPLOYER TO PAY THE TRUSTEE

UPON REPRESENTATIONS OF THE TRUSTEE, OR OTHER INTERESTED PARTIES, THE COURT FINDS THAT:

The above named debtor has pending in this Court a case for adjustment of debts by an individual with regular income under the provisions of Chapter 13 of Title 11 U.S.C. and pursuant to the provisions of said statute and of the debtor's plan, the debtor has submitted all of such portion of the debtor's future earnings or other future income to the supervision and control of the trustee of this Court as may be necessary for the execution of the debtor's plan; and

That under the provisions of Title 11 U.S.C., this Court has exclusive jurisdiction of all property including the earnings from such services performed by the debtor during the pendency of this case pursuant to 11 U.S.C. § 1325(b) any entity from whom the debtor receives income shall pay all or any part of such income to the trustee as may be ordered

by this Court. A portion of the debtor's earnings are necessary for the execution of the debtor's plan.

NOW, THEREFORE, IT IS ORDERED that until further order of this Court or until notice that this case has been dismissed or converted to Chapter 7 of the Bankruptcy Code is received, the employer of said debtor

DFAS - DE/DGC
6760 E. Irvington Place
Denver, CO 80279

shall deduct from the earnings of the debtor the sum of **$265.00 Semi-Monthly** beginning on the next payday following the receipt of this order and deduct a similar amount for each pay period thereafter, including any period for which the debtor receives periodic or lump sum payment for or on account of vacation, termination or other benefits arising out of present or past employment of the debtor. Employer shall remit forthwith the sums so deducted to the trustee appointed here or his/her successor in interest as follows:

J. Vincent Cameron, P.O. Box 1897,
San Antonio, TX 78297

IT IS FURTHER ORDERED, that said employer notify said trustee if the employment of said debtor is terminated and the reason for such termination.

IT IS FURTHER ORDERED, that all earnings and wages of the debtor, except the amounts required to be withheld by the provisions of any laws of the United States, the laws of any state or political subdivision, or by an insurance pension or union dues agreement between employer and the debtor, or by the order of this Court be paid to the aforesaid

debtor in accordance with employer's usual payroll procedure.

IT IS FURTHER ORDERED, that no deductions for account of any garnishment, wage assignment, credit union or other purpose not specifically authorized by this Court be made from the earnings of the debtor.

IT IS FURTHER ORDERED, that this order supersedes any and all previous orders, if any, made to the subject employer in this cause.

SO ORDERED.

SIGNED this 25th day of February, 2010.

George Prentice II

George D. Prentice II

Clerk, U.S. Bankruptcy Court
BY: Emilio Luna

APPENDIX F

SO ORDERED.

SIGNED this 15th day of April, 2010.

LEIF M. CLARK
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

In Re: Chapter 13

CHARLES E. HARRIS III

Debtor(s) Case No. 10-50655 C

SSN XXX-XX-1640

ORDER CONFIRMING THE DEBTOR'S PLAN AWARDING A FEE TO THE DEBTOR'S ATTORNEY, AND RELATED ORDERS

Following the meeting of creditors held pursuant to 11 U.S.C. Section 341, at which the Debtor appeared in person to be examined by the creditors and other interested parties, a hearing was held pursuant to 11 U.S.C. Section 1324.

The Debtor is herein referred to in the masculine singular, even though this be a joint case or the Debtor be female. All references to "Rules" shall be

interpreted as referring to the Bankruptcy Rules, unless context indicates otherwise.

At such hearing, the following objections to confirmation of the Debtor's Plan were considered:

At the hearing, the Court considered the matters presented by the Trustee, the Debtor's attorney, and by other interested parties, if any, and upon the pleadings and statements of parties and of counsel, and on the evidence presented, the Court finds that:

A. Written notice of the meeting of creditors held pursuant to 11 U.S.C §341 and of this hearing on the confirmation of the Plan was given as required by rule 2002;

B. The Plan as presented for confirmation (hereinafter referred to as the "Plan") complies with the provisions of Chapter 13 of Title 11 of the United States Code and other applicable provisions of said Title;

C. Any fee, charge, or other amount required under Chapter 123 of Title 28 or required by the Plan to be paid before confirmation has been paid;

D. The Plan has been proposed in good faith and not by any means forbidden by law;

E. X As of the filing date of the Plan, the value of the property to be distributed to unsecured claims is not less than the amount they would receive if the estate of the Debtor was liquidated under Chapter 7 of Title 11 of the United States Code. The liquidation value, as of such date, of the Debtor's non-exempt property is $0.00.

OR

___ The Debtor will pay allowed unsecured claims the value of their claims plus interest at the rate of 5%. As of the filing date of the plan, the liquidation value of the Debtor's Non-exempt property is $0.00.

F. With respect to each allowed secured claim provided for by the Plan, the holder of such claim either accepted, or was deemed to have accepted, the Plan or, in the alternative,

(1).(a). The Plan provides that the holder of such claim retain the lien securing such claim, and

(b). The value, as of the effective date of the Plan, of property to be distributed under the Plan on account of such claim is not less than the allowed amount of such claim;

OR

(2). The Plan proposes to surrender the property securing such claim to the creditor.

G. The Plan provides for payment in full of all claims entitled to priority as defined in 11 U.S.C. section 507, the present value of all allowed secured claims, and (CHOOSE ONE)

(1). An amount no less than 100 percent of each allowed unsecured claim,

OR

(2). The Debtor's total payment to the Trustee under the Plan shall not be less than $0.00.

IT IS ORDERED THAT:

1. The Debtor's Plan is confirmed and (if appropriate) for cause shown, payments for a period not to exceed sixty (60) months are approved.

2. The Debtor or his employer shall make the payments to the Trustee required by the Plan. At any time during the pendency of the case, the Trustee may request the Court enter an order directing the Debtor's employer to make the appropriate payroll deductions and payments to the Trustee or to pay the Debtor's entire earnings and wages to the Trustee as prescribed by 11 U.S.C section 1325(b). Such an Order may be issued without further notice.

3. The Debtor shall, when applicable, obtain the approval of the Court prior to incurring additional consumer debt. Failure to obtain such approval, if applicable, may cause the claim for such debt to be unallowable to the creditor (11 U.S.C. section 1305(c)) and the debt to be nondischargeable for the Debtor (11 U.S.C. section 1328(d)).

4. The Trustee shall:

(a). Keep a detailed report of all receipts, including the source or other identification of each receipt, and of all distributions (Rule 2015); and

(b). Deposit all funds received by him under the Plan with an entity that provides insurance guaranties or deposits in the manner prescribed by 11 U.S.C. section 345, and make distribution thereof in the manner provided by Rule 3021.

5. Pursuant to 11 U.S.C. section 1326, the order of payment, unless otherwise directed, shall be:

(a). Any unpaid claim of the kind specified in section 507(a)(1) of Title 11 of the United States Code;

(b). The percentage fee fixed for the Trustee pursuant to section 586(e)(1)(B) of Title 28;

(c). Creditors whose claims are filed and allowed in such amounts and order of preference as may be provided by the Plan or as may be required to provide adequate protection of the interest of any entity with an interest in the property of the estate.

6. The Trustee, the Debtor, and the Debtor's attorney shall examine proofs of claim or summaries thereof and shall object to the allowance of improper claims as provided by Rule 3007.

(a). The Trustee shall file and serve all parties in interest with the Trustee's Recommendation Concerning Claims within ninety (90) days following the claim filing deadline. Such Trustee's Recommendation Concerning Claims shall include the Trustee's objections to claims, if any, recommendations as to the extent and validity of each creditor's security interest, if any, and recommendations as to the value of any collateral not previously valued by the Court. The Trustee's Recommendation Concerning Claims shall be deemed to be an objection to claims, a motion to value any such collateral, and an action to determine the validity of each creditor's security interest or an action to avoid any such security interest as set forth therein.

(b). Unless an objection or response is timely filed as to the treatment of any claim, the claim will be allowed only in the manner and amount listed in the Trustee's Recommendation Concerning Claims, and such treatment will be final and binding on all parties without further order of the Court.

(c). Responses or objections to the Trustee's Recommendation Concerning Claims, must be filed

within thirty (30) days from the date of service of the Trustee's Recommendation Concerning Claims.

(d). The Trustee's Recommendation Concerning Claims shall additionally contain notice of the bar date for any additional objections to claims, which date is fixed at thirty (30) days following the date of service of the Trustee's Recommendation Concerning Claims.

7. The Trustee shall maintain records (which may be in electronic form) reflecting funds received and disbursements made, and shall furnish such report to any interested party requesting copy of same, at no charge. Also, upon completion of the Plan, file with the Court a final report and account containing or incorporating by reference a detailed statement of receipts and disbursements (Rule 2015).

8. Ninety (90) days after the final distribution, the Trustee shall stop payment of all checks then unpaid and file with the Clerk of the Court a list of names and addresses, so far as known, of the persons entitled to such payments and the amounts thereof. The unclaimed funds shall thereupon be deposited in the registry of the United States Bankruptcy Court and may be withdrawn as provided in 28 U.S.C. section 2041.

9. All property of the estate, including any income, earnings, or other property which may become part of the estate during the administration of the case, shall not revest in the Debtor. Such property as may revest in the Debtor shall so revest only upon further Order of the Court or upon dismissal, conversion, or discharge. Debtor shall maintain adequate insurance coverage on all property for which any creditor holds

a lien unless such insurance coverage is specifically waived by such secured creditor. Further, the Trustee has no obligation or responsibility to obtain insurance for the Debtor or monitor the Debtor to insure that insurance has been obtained or maintained as required by this Order.

10. The Chapter 13 Trustee shall review all claims and the feasibility of the Plan prior to filing the Trustee's Recommendation Concerning Claims. If at that time the Plan is no longer feasible, the Trustee shall notify the Debtor and his attorney, in writing, of the infeasibility of the Plan. If forty-five (45) days after the service of the Trustee's Recommendation Concerning Claims the Plan remains infeasible, the Trustee shall file a Motion to Modify the Plan and/or a Motion to Dismiss the case.

Further, if at any time during the term of the Chapter 13 case, a claim is allowed which makes the Plan infeasible, the Chapter 13 Trustee shall notify the Debtor and his attorney, in writing, of the infeasibility of the Plan. If the Plan remains infeasible for thirty (30) days after such notice, the Trustee shall file a Motion to Modify the Plan and/or an alternative Motion to Dismiss the case.

11. At the time of the issuance of this Order Confirming the Plan, the the time for filing claims in this case may not have expired. Consequently, the Court specifically reserves the right in the future to:

(a). Alter or sustain an objection to the secured status of a claim filed as secured either before or after the entry of this Order Confirming Plan, and value the collateral securing any such claim to the

extent not previously valued herein or otherwise by the Court;

(b). Enter a Final Order after notice and hearing on any responses or objections to the Trustee's Recommendation Concerning Claims, and on any additional objection(s) to claims timely filed by a party in interest;

(c). At any time during the pendency of this case, entertain a motion to alter or sustain an objection to the secured status of a claim filed as secured after the bar date for filing claims has expired, or to value the collateral securing any such claim to the extent not previously valued by the Court.

12. All creditors having allowed secured claims (whether filed before or after this Order Confirming Plan) shall be treated in accordance with section 1325(a)(5), except as otherwise specifically set forth herein. The collateral securing creditor's claims provided for under the Debtor's Plan is hereby valued by the Court at the values set forth below.

(a). When the value of the collateral securing a timely filed proof of claim of any taxing authority differs from the value shown on the Debtor's Plan, the Trustee will use the value shown on the creditor's proof of claim. All parties will be noticed of this valuation through the Trustee's Recommendation Concerning Claims and disputed valuations may be resolved by the Court, by agreement or objection.

(b). In those instances where no objection was filed to Confirmation of the Debtor's Plan contesting the Debtor's valuation of collateral securing a creditor's claim, the value of such collateral is fixed at the

values provided in the Debtor's Plan (which values include any valuation of collateral agreed to by the Debtor at the meeting of creditors held pursuant to 11 U.S.C. section 341, such agreed values being hereby deemed a modification and/or supplementation to the Debtor's Plan), as follows:

CREDITORS	COLLATERAL	VALUE
SEE ATTACHMENT A-1		

(c). In those instances, if any, where an objection was filed to the valuation of collateral as provided in the Debtor's Plan, the Court determines and fixes the value of such collateral as follows:

CREDITORS	COLLATERAL	VALUE

(d). In the event a creditor timely files a proof of claim which evidences a perfected security interest in collateral which was not specified by the Plan and not previously valued by the Court, such collateral will be valued by the Court at the value set forth in the Trustee's Recommendation Concerning Claims to be filed herein, unless a response to such Trustee's Recommendation Concerning Claims is timely filed. Such Trustee's Recommendation Concerning Claims is to be filed and served within ninety (90) days following the deadline for filing proofs of claims. Responses to such Trustee's Recommendation Concerning Claims must be filed within the time and in the manner provided in such Trustee's Recommendation Concerning Claims.

(e). The valuation of collateral by the Court as set forth above shall not relieve a secured creditor from the duty to file a proof of claim in order to from objecting to the amount claimed by any such creditor, or from bringing an action to determine the

extent or validity of such creditor's security interest or to avoid any such security interest.

ALLOWANCE OF ATTORNEY'S FEES:

Debtor's Attorney: MALAISE LAW FIRM P C

Business Case: Yes ___ No _X_

The application by the attorney for the Debtor for the allowance of reasonable compensation as authorized by 11 U.S.C section 330, having been considered, the Court finds that a reasonable fee for the services performed and undertaken by such attorney is **$3,200.00** of which **$200.00** was paid to such attorney prior to filing of the petition initiating this proceeding.

The balance of such fee **$3,000.00** shall be paid by the Trustee from monies received under the Debtor's Plan; provided, however, that such payments shall be deferred in time to payments, if any, which may be required to provide adequate protection of the interest of the holders of any secured claims.

OR

The attorney for the Debtor shall file an application for the allowance of compensation as authorized by 11 U.S.C. section 330.

OR

The attorney for the Debtor has requested that he be paid no fee in this case and has not filed an application for the allowance of reasonable compensation as authorized by 11 U.S.C. section 330. Accordingly, no attorney's fee will be paid by the Trustee from the monies received under the Debtor's Plan.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:

CHAPTER 13
10-50655 C

CHARLES E. HARRIS III
DEBTOR(S)

SCHEDULE A – 1

CREDITOR	COLLATERAL	VALUE
CHASE HOME FINANCE	HM ARRS	7.00% ARREARS
CHASE HOME FINANCE	HM/OUTSIDE	OUTSIDE PLAN
CONNS CREDIT CORPORATION	TV	$900.00 7.00% SECURED
SYLVIA ROMO	10 TAXES/OUT BY MTG	OUTSIDE PLAN
WELLS FARGO DEALER SERVI	05 NISSAN ALTIMA/SURR-$16,439	SURRENDERED

THE PLAN PAYMENT IS:
$530 MO 1
$536 MOS 2-60

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